

## Agricultural Marketing Service, USDA

§ 944.28

terms of the equivalent number of cases of 24 No. 300 (300×407) size cans.

[33 FR 15632, Oct. 23, 1968, as amended at 36 FR 24795, Dec. 23, 1971; 47 FR 13118, Mar. 29, 1982; 49 FR 34440, 34441, Aug. 31, 1984; 49 FR 44448, Nov. 7, 1984]

### Subpart—Assessment Rates

#### § 932.230 Assessment rate.

On and after January 1, 2000, an assessment rate of \$21.73 per ton is established for California olives.

[65 FR 2841, Jan. 19, 2000]

EDITORIAL NOTE: After January 1, 1979, “Budget of Expenses and Rate of Assessment” regulations (e.g., sections .200 through .299) and “Handling” regulations (e.g., sections .300 through .399) which are in effect for a year or less, will not be carried in the Code of Federal Regulations. For FEDERAL REGISTER citations affecting these regulations, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

## PART 944—FRUITS; IMPORT REGULATIONS

Sec.

944.28 Avocado Import Grade Regulation.

944.31 Avocado import maturity regulation.

944.106 Grapefruit import regulation.

944.209 Lime Import Regulation 10.

944.312 Orange import regulation.

944.350 Safeguard procedures for avocados, grapefruit, kiwifruit, limes, olives, oranges, prune variety plums (fresh prunes), and table grapes, exempt from grade, size, quality, and maturity requirements.

944.400 Designated inspection services and procedure for obtaining inspection and certification of imported avocados, grapefruit, kiwifruit, limes, oranges, prune variety plums (fresh prunes), and table grapes regulated under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended.

944.401 Olive Regulation 1.

944.503 Table Grape Import Regulation 4.

944.550 Kiwifruit import regulation.

944.700 Fresh prune import regulation.

AUTHORITY: 7 U.S.C. 601–674.

EDITORIAL NOTE: After January 1, 1979, Import regulations which are in effect for a year or less, will not be carried in the Code of Federal Regulations. For FEDERAL REGISTER citations affecting these regulations, see the List of CFR Sections Affected, which

appears in the Finding Aids section of the printed volume and on GPO Access.

#### § 944.28 Avocado Import Grade Regulation.

(a) Pursuant to section 8e of the act and Part 944-Fruits; Import Regulations, the importation into the United States of any avocados is prohibited on and after May 28, 1985, unless such avocados grade at least U.S. No. 2, as such grade is defined in the United States Standards for Florida Avocados (7 CFR 51.3050 through 51.3069). Such grade requirement is the same as that specified in §915.306 for avocados grown in South Florida under M.O. 915 (7 CFR part 915).

(b) The Federal or Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, is designated as the government inspection service for certifying the grade, size, quality, and maturity of avocados that are imported into the United States. Inspection by the Federal or Federal-State Inspection Service with evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of avocados, is required on all imports. The inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (7 CFR part 51) and in accordance with the regulations designating inspection services and procedure for obtaining inspection and certification (7 CFR 944.400).

(c) The term *importation* means release from custody of the United States Customs Service. The term *commercial processing into products* means the manufacture of avocado product which is preserved by any recognized commercial process, including canning, freezing, dehydrating, drying, the addition of chemical substances, or by fermentation.

(d) Any person may import up to 55 pounds of avocados exempt from the requirements specified in this section.

(e) Any lot or portion thereof which fails to meet the import requirements, and is not being imported for purposes

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of consumption by charitable institutions, distribution by relief agencies, seed, or commercial processing into products; prior to or after reconditioning may be exported or disposed of under the supervision of the Federal or Federal-State Inspection Service with the costs of certifying the disposal of such lot borne by the importer.

(f) The grade, size, and quality requirements of this section shall not be applicable to avocados imported for consumption by charitable institutions, distribution by relief agencies, seed, or commercial processing into products, but shall be subject to the safeguard provisions contained in § 944.350.

[50 FR 21032, May 22, 1985, as amended at 58 FR 69185, Dec. 30, 1993]

**§ 944.31 Avocado import maturity regulation.**

(a) Pursuant to section 8e [7 U.S.C. 608e-1] of the Agricultural Marketing Agreement Act of 1937, as amended [7 U.S.C 601-674], and Part 944—Fruits; Import Regulations, the importation into the United States of any avocados, except the Hass, Fuerte, Zutano, and Edranol varieties, is prohibited unless:

(1) Any portion of the skin of the individual avocados has changed to the color normal for that fruit when mature for those varieties which normally change color to any shade of red or purple when mature, except for the Linda variety; or

(2) Such avocados meet the minimum weight or diameter requirements for the Monday nearest each date specified, through the Sunday immediately prior to the nearest Monday of the specified date in the next column, for each variety listed in the following table I: Provided, that avocados may not be handled prior to the earliest date specified in column A of such table for the respective variety; Provided further, There are no restrictions on size or weight on or after the date specified in column D; Provided further, That up to a total of 10 percent, by count to the individual fruit in each lot may weigh less than the minimum specified or be less than the specified diameter, except that no such avocados shall be over 2 ounces lighter than the minimum weight specified for the variety: Provided further, That up to double such tolerance shall be permitted for fruit in an individual container in a lot.

TABLE 1

Variety	A date	Min. wt.	Min. diam.	B date	Min. wt.	Min. diam.	C date	Min. wt.	Min. diam.	D date
Dr. Dupuis										
#2 .....	5-30	16	3 7/16	6-13	14	3 5/16	7-04	12	3 7/16	7-18
Simmons ...	6-20	16	3 9/16	7-04	14	3 7/16	7-18	12	3 1/16	8-01
Pollock .....	6-20	18	3 11/16	7-04	16	3 7/16	7-18	14	3 1/16	8-01
Hardee .....	6-27	16	3 2/16	7-04	14	2 14/16	7-11	12	.....	7-25
Nadir .....	6-27	14	3 3/16	7-04	12	3 1/16	7-11	10	2 14/16	7-18
Ruehle .....	7-04	18	3 11/16	7-11	16	3 9/16	8-01	12	3 5/16	8-15
				7-18	14	3 7/16	8-08	10	3 3/16	
Bernecker ..	7-18	18	3 9/16	8-01	16	3 5/16	8-15	14	3 4/16	8-29
Miguel (P)	7-18	22	3 13/16	8-01	20	3 12/16	8-15	18	3 19/16	8-29
Nesbitt .....	7-18	22	3 12/16	8-01	16	3 5/16	8-08	14	3 3/16	8-22
Tonnage ....	8-01	16	3 6/16	8-15	14	3 4/16	8-22	12	3 9/16	8-29
Waldin .....	8-01	16	3 9/16	8-15	14	3 7/16	8-29	12	3 4/16	9-12
Tower II ....	8-01	14	3 9/16	8-15	12	3 4/16	8-29	10	3 2/16	9-05
Beta .....	8-08	18	3 9/16	8-15	16	3 5/16	8-29	14	3 3/16	9-05
Lisa (P) ....	8-08	12	3 2/16	8-15	11	3 9/16	.....	.....	.....	8-22
Black										
Prince ....	8-15	28	4 1/16	8-29	23	3 14/16	9-12	16	3 9/16	10-03
Loretta .....	8-22	30	4 3/16	9-05	26	3 15/16	9-19	22	3 12/16	9-26
Booth 8 ....	8-29	16	3 9/16	9-12	14	3 5/16	9-26	12	3 3/16	10-24
							10-10	10	3 1/16	
Booth 7 ....	8-29	18	3 13/16	9-12	16	3 10/16	9-26	14	3 9/16	10-10
Booth 5 ....	9-05	14	3 9/16	9-19	12	3 9/16	.....	.....	.....	10-03
Choquette ..	9-26	28	4 4/16	10-17	24	4 1/16	10-31	20	3 14/16	11-14
Hall .....	9-26	26	3 14/16	10-10	20	3 9/16	10-24	18	3 8/16	11-07
Lula .....	10-03	18	3 11/16	10-10	14	3 9/16	10-31	12	3 3/16	11-14
Monroe .....	11-07	26	4 3/16	11-21	24	4 1/16	12-05	20	3 14/16	1-02
							12-19	16	3 9/16	
Arue .....	5-16	16	.....	5-30	14	3 9/16	6-20	12	.....	7-04